

MINUTES

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT

Monday, December 1, 2003

Division Five

**A099502 -- The People v. Michael Jared Lane.**

The judgment is affirmed. Gemello, J. We Concur: Jones, P.J., Stevens, J.  
(Not for Publication.)

**A102965 -- The People v. Mikel Edwin Rexrode.**

The order revoking appellant's probation and the sentence imposed are affirmed. Gemello, J. We Concur: Stevens, Acting P.J., Simons, J. (Not for Publication.)

Tuesday, December 2, 2003

Division Three

**A100665 -- In re the Marriage of Vivienne and Fernando Zepeda.**

The trial court's order is affirmed. Wife shall recover her costs on appeal.  
Parrilli, J. We Concur: Corrigan, Acting P.J., Pollak, J. (Not for Publication.)

Division Four

**A101092 -- Conservatorship of the Estate of Barbara W. Parrott.**

The order approving the sale of the dining room set is affirmed. Kay, P.J.  
We Concur: Reardon, J., Rivera, J. (Not for Publication.)

Division Five

**A104085 -- Raymond C., Sr. v. The Superior Court of Contra Costa County; Contra Costa County Bureau of Family and Children's Services, R.P.I.**

The petition for extraordinary writ review is denied on the merits. (See Cal. Const., art. VI, § 14; Cal. Rules of Court, rule 39.1B(o); *Kowis v. Howard* (1992) 3 Cal.4th 888, 894.) Petitioner is barred in any subsequent appeal from making further challenges to the order setting a hearing under section 366.26. (§ 366.26, subd. (1).). Because the section 366.26 hearing is set for December 10, 2003, our opinion is final immediately. (Rule 24(b)(3).) Jones, P.J. We Concur: Stevens, J., Simons, J. (Not for Publication.)

Wednesday, December 3, 2003

Division Two

**A102009 -- The People v. Kempy Jackson.**

The order extending appellant's maximum commitment date is affirmed.  
Lambden, J. We Concur: Kline, P.J., Ruvolo, J. (Not for Publication.)

**A100348 -- Carole Marasovic, etc. v. Contra Costa County Adult Protective Services et al.**

The judgment is reversed and the matter remanded to the trial court for further proceedings in accordance with the views expressed herein. Kline, P.J. We Concur: Haerle, J., Ruvolo, J. (Not for Publication.)

**A099853 -- Safeway, Inc. v. Workers' Compensation Appeals Board and Melba Perez.**

By the Court: Pursuant to the stipulation and request of petitioner Safeway, Inc., and respondent Melba Perez, the writ of review is dismissed and the clerk of the court is directed to issue the remittitur immediately. (Cal. Rules of Court, rule 20(c)(2).) Kline, P.J.

Wednesday, December 3, 2003

Division Four

**A099831 -- Sandra J. Patterson et al. v. Keenan Properties, Inc.**

**A099418 -- Sandra J. Patterson et al. v. Slakey Brothers, Inc.**

The judgment for Keenan (A099831) and the judgment for Slakey (A099418) are reversed. Kay, P.J. We Concur: Reardon, J., Rivera, J. (Not for Publication.)

Division Five

**A102117 -- The People v. Alice Cherri Hudson.**

The order revoking appellant's probation and the sentence imposed are affirmed. Jones, P.J. We Concur: Stevens, J., Simons, J. (Not for Publication.)

Thursday, December 4, 2003

Division Two

**A100982 -- In re Randi K., a Person Coming Under the Juvenile Court Law. Alameda County Social Services Agency v. Joseph K.**

The judgment is affirmed but the case is remanded to the juvenile court so that it can make a visitation order if such an order is not currently in place.

Haerle, J. We Concur: Kline, P.J., Lambden, J. (Not for Publication.)

Division Three

**A102367 -- In re Mario L., a Person Coming Under the Juvenile Court Law. The People v. Mario L.**

The dispositional order is affirmed. Pollak, J. We Concur: Corrigan, Acting P.J., Parrilli, J. (Not for Publication.)

Division Four

**A101513 -- In re Ronald L., a Person Coming Under the Juvenile Court Law. The People v. Ronald L.**

The judgment is affirmed. Sepulveda, J. We Concur: Reardon, Acting P.J., Rivera, J. (Not for Publication.)

Friday, December 5, 2003

Division One

**A104461 -- TRW Vehicle Safety Systems, Inc. v. The Superior Court of San Mateo County; Maryanne Belen et al., R.P.I.**

By the Court:\* Therefore, let a peremptory writ of mandate issue, commanding respondent, San Mateo County Superior Court in Maryanne Belen et al. v. Ford Motor Company et al. (case No. CIV419981) to vacate its order overruling TRW VSSI's demurrer and to enter a new order sustaining the demurrer without leave to amend. This case is final as to this Court immediately. (Cal Rules of Court, rule 24(b)(3).) (Not for Publication.)

\*Before Marchiano, P.J., Swager, J. and Margulies, J.

Division Four

**A101747 -- Sophie I. Fox v. Tina Hagerman.**

The order denying Hagerman's claim for attorney fees is reversed. The matter is remanded for further proceedings consistent with this opinion. Rivera, J. We Concur: Reardon, Acting P.J., Sepulveda, J. (Not for Publication.)

**A099837 -- Roger Wets et al. v. Derwin Alan Cox.**

The judgment is affirmed. Reardon, J. We Concur: Kay, P.J., Sepulveda, J. (Not for Publication.)

Division Five

**A101568, A101735 -- In re Jon G., a Person Coming Under the Juvenile Court Law. The People v. Jon G.**

The appeal in A101568 is dismissed. The order of January 13, 2003, terminating visits with appellant's mother is affirmed, as is the placement progress review order of March 14, 2003. Simons, J. We Concur: Stevens, Acting P.J., Gemello, J. (Not for Publication.)

Monday, December 08, 2003

Division Two

**A103724 -- Atel Equipment Corp. v. Quantum Aircraft Service, et al.**

By the Court: Appellant having filed a request for dismissal in this court, the appeal is dismissed. Kline, P.J.

**A100337 -- The People v. Claude Dell Gipson.**

The judgment is modified by striking the \$400 fine imposed pursuant to section 1202.4, subdivision (b) in case No. 185386. The \$200 restitution fine that was previously imposed pursuant to section 1202.4, subdivision (b), if not still in force, is reinstated. Furthermore, the \$400 fine imposed pursuant to section 1202.45 in case No. 185386 is reduced to the amount of \$200. The judgment is otherwise affirmed. Haerle, J. We Concur: Kline, P.J., Ruvolo, J. (Not for Publication.)

**A100532 -- Oree Blaise Khufu v. Steven Tulskey, et al.**

The judgment is affirmed. Haerle, Acting P.J. We Concur: Lambden, J., Ruvolo, J. (Not for Publication.)

**A099104 -- The People v. John Sundquist.**

The judgment is affirmed. Lambden, J. We Concur: Haerle, Acting P.J., Ruvolo, J. (Not for Publication.)

Division Five

**A102015 -- The People v. Lamone Kenyota Ellis.**

The judgment is affirmed. Stevens, J. We Concur: Jones, P.J., Simons, J. (Not for Publication.)

Monday, December 08, 2003 (continued)

**A104054 -- In re Ashley M., a Person Coming Under the Juvenile Court Law. San Mateo County Human Services Agency v. Ronnie M. et al.**

The order of June 10, 2003, is ordered modified by striking paragraph 3 on pages 12 to 13. In all other respects, the order awaits our further review in case no. A103203. Jones, P.J. We Concur: Stevens, J., Simons, J. (Certified for Publication.)



Tuesday, December 9, 2003

Division One

**A101078 -- In re Jacqueline T., et al., Persons Coming Under the Juvenile Court Law. Social Services Agency v. Jeanette T.**

By the Court: The petition for rehearing is denied. Marchiano, P.J.

Division Two

**A099056 -- The People v. Marcello Sison Sarmiento.**

The judgment is affirmed. Kline, P.J. We Concur: Haerle, J., Ruvolo, J.  
(Not for Publication.)

Division Four

**A102289 -- The People v. Lamont Miller.**

Judgment affirmed. Reardon, Acting P.J. We Concur: Sepulveda, J.,  
Rivera, J. (Not for Publication.)

MINUTES  
CALIFORNIA COURT OF APPEAL  
FIRST APPELLATE DISTRICT  
DIVISION FOUR  
Tuesday, December 9, 2003

The Court convened at 9:30 a.m. in its courtroom at 350 McAllister Street, 4th Floor, San Francisco, California. Present: Kay, P.J., Sepulveda, J., and Rivera, J.; Channing Hoo, Deputy Clerk; CHP Officer Arnold Stamps, Bailiff.

A102182      Celina Duran et al.  
                 v.  
                 St. Luke's Hospital et al.  
Cause called. Penelope A. Phillips argued for appellants Duran et al. Rebecca L. Cachia-Riedl argued for respondents. Cause submitted.

A101199      Kevin B. Williams  
                 v.  
                 CCSF Human Rights Commission  
Cause called. In pro per appellant Kevin B. Williams, who requested oral argument, did not appear. Gina Roccanova appeared for respondent, but did not argue. Cause submitted.

At this point, the Court reconstituted itself to include Kay, P.J., Reardon, J., and Rivera, J.

A099767      Joyce Kiesel et al.  
                 v.  
                 Mill Valley Insurance Services, Inc. et al.  
Cause called. Douglas deVries argued for appellants Kiesel et al. Charles Jacob and Paul Fife argued for respondents. Cause submitted.

At this point, the Court reconstituted itself to include Reardon, Acting P.J., Sepulveda, J., and Rivera, J.

A099799      Protect Our Water Resources et al.  
                 v.  
                 County of Sonoma et al.  
                 Shamrock Materials et al.  
Cause called. Stephan Volker argued for appellants Protect et al. Lester Hardy argued for real parties. Cause submitted.

The court adjourned at 10:39 a.m.

Tuesday, December 9, 2003 (continued)

Division Five

**A098704 -- Ryan Gutierrez et al. v. Autowest, Inc., et al.**

The trial court's denial of the petition to compel arbitration is reversed and the matter remanded to permit that court to reconsider the issue of severance pursuant to the directions provided in this opinion. The parties shall bear their own costs on appeal. Simons, J. We Concur: Jones, P.J., Gemello, J. (Certified for Partial Publication.)

Wednesday, December 10, 2003

Division One

**A101231 -- The People v. Michael Thomas Sanchez.**

The judgment and sentence are affirmed. Marchiano, P.J. We Concur: Stein, J., Swager, J. (Not for Publication.)

**A098689 -- Lamberto Santillan et al. v. BT Office Products, Inc., et al.**

The summary judgment is affirmed. Marchiano, P.J. We Concur: Stein, J., Margulies, J. (Not for Publication.)

MINUTES

CALIFORNIA COURT OF APPEAL  
FIRST APPELLATE DISTRICT  
DIVISION ONE

Wednesday, December 10, 2003

The Court convened at 9:00 a.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco. Present: Marchiano, P.J., Stein, J., and Margulies, J.; and F. Abad, Deputy Clerk.

A099237     The People,  
              v.  
              Raymond Annin.  
Cause called and argued by William Such, counsel for appellant, and Christopher Wei, counsel for respondent. Cause ordered submitted.

A100673     The People,  
              v.  
              Hector Martinez.  
Cause called and argued by Carolyn Fershtman, counsel for appellant via teleconferencing, and Jill Thayer, counsel for respondent. Cause ordered submitted.

A102572     Westlake Development Company, Inc.,  
              v.  
              Shaw, Inc.  
Cause called and argued by Leslie Baxter, counsel for appellant and Zunilda Ramos, counsel for respondent. Cause ordered submitted.

At this point in the proceedings, Justice Marchiano left the bench. Justice Swager joined the bench. Justice Stein presided over the remainder of the calendar.

Court recessed until 1:30 p.m.

MINUTES

CALIFORNIA COURT OF APPEAL  
FIRST APPELLATE DISTRICT  
DIVISION ONE

Wednesday, December 10, 2003

The Court convened at 1:30 a.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco. Present: Marchiano, P.J., Stein, J., and Swager, J., and B. Robbins, Deputy Clerk.

- A099124     The People,  
              v.  
              Scott Daniel Patterson.  
Cause called and argued by George L. Schraer, counsel for appellant, via teleconference, and Nancy Tung, counsel for respondent. Cause ordered submitted.
- A099589     Kristina Joseph,  
              v.  
              Timothy C. Howard, M.D.  
Cause called and argued by Denise Greer, counsel for appellant, and Bryce C. Anderson, counsel for respondent. Cause ordered submitted.
- A101045     Surgical Sutures Cases II  
              Maria Cotter,  
              v.  
              Ethicon, Inc., et al.  
Cause called and argued by Dianna Worley, counsel for appellant, via teleconference, and Alan J. Lazarus, counsel for respondents. Cause ordered submitted.
- A101785     Vincent Balistreri,  
              v.  
              Peter Rosenthal.  
Cause called and argued by Robert DeVries, counsel for appellant, and Andrew M. Zacks, counsel for respondent. Cause ordered submitted.

Court recessed until 1:30 p.m.

Wednesday, December 10, 2003 (continued)

Division Two

**A101612 -- Bylin Heating Systems, Inc. v. Raychem Corporation, et al.**

By the Court: Appellant having failed an abandonment of appeal in this court, the appeal is dismissed with each party to bear their own costs on appeal. The remittitur shall issue forthwith. Kline, P.J.

**A100050 -- Lexington Insurance Company v. Keller & Gannon.**

The judgment is reversed and the matter remanded to the superior court for further proceedings not inconsistent with this opinion. Costs on appeal are awarded to Lexington. Haerle, J. I Concur: Kline, P.J. (See dissenting opinion by Lambden, J.) (Not for Publication.)

Division Three

**A099494 -- Emma L. Smith, et al. v. Union Bank of California, et al.**

The trial court's order is affirmed. Respondents shall recover their costs on appeal. Parrilli, J. We Concur: Corrigan, Acting P.J., Pollak, J. (Not for Publication.)

**A099265 -- The People v. McLaine August Telle.**

The judgment is affirmed. Pollak, J. We Concur: Corrigan, Acting P.J., Parrilli, J. (Not for Publication.)

**A098183 -- The People v. Louis Ray Watson.**

The judgment is reversed with respect to counts three through six. Defendant was sentenced to two years eight months in state prison on count four, to run consecutively to the principal term imposed on count two, and his sentence on counts three, five and six was stayed pursuant to Penal Code section 654. Accordingly, the judgment is modified to strike the sentence on count four, reducing the sentence by two years eight months to 21 years eight months. In all other respects, the judgment is affirmed. Pollak, J. We Concur: McGuiness, P.J., Corrigan, J. (Certified for Partial Publication.)

Wednesday, December 10, 2003 (continued)

**A103672 -- The People v. Larry Leonard White, Jr.**

The judgment is affirmed. McGuiness, P.J. We Concur: Corrigan, J., Parrilli, J. (Not for Publication.)

Division Four

**A101662 -- The People v. Jason Moalem Fox.**

The judgment is affirmed. Rivera, J. We Concur: Kay, P.J., Reardon, J. (Not for Publication.)

Division Five

**A101803 -- The People v. Andra Alexander.**

The judgment is affirmed. Jones, P.J. We Concur: Simons, J., Gemello, J. (Not for Publication.)

**A100212 -- The People v. Soknoeun Nem.**

The trial court is ordered to prepare and to forward to the Department of Corrections an amended abstract of judgment showing that appellant is sentenced to eight months on count 3 plus an indeterminate sentence of 25 years to life for the use enhancement. Thus the determinant portion of appellant's sentence is 52 years, 8 months to life. In all other respects, the judgment is affirmed. Jones, P.J. We Concur: Stevens, J., Simons, J. (Certified for Partial Publication.)



Thursday, December 11, 2003

Division Two

**A104379 -- The People v. Mark Christopher Weston.**

By the Court: Appellant having filed an abandonment of appeal in this court, the appeal is dismissed and the remittitur is to issue forthwith. Kline, P.J.

Division Three

**A097690 -- Bay Area Luxury Homes/Stevisick I, LLC v. William L. Lee III, et al.**

By the Court: The petition for rehearing is denied. McGuinness, P.J.

Division Four

**A100751 -- The People v. Richard Banks.**

The judgment of conviction is affirmed. Kay, P.J. We Concur: Reardon, J., Sepulveda, J. (Not for Publication.)

Division Five

**A103971 -- In re A.M., a Person Coming Under the Juvenile Court Law. Donna V. v. The Superior Court of Contra Costa County; Contra Costa County Bureau of Children and Family Services, R.P.I.**

The order to show cause is discharged, and the petition for extraordinary writ review and request for stay are denied on their merits. (Cal. Const., art. VI, § 14; Cal. Rules of Court, rule 39.1B(o); *Kowis v. Howard* (1992) 3 Cal.4th 888, 894.) Petitioner is barred in any subsequent appeal from making further challenges to the orders terminating reunification services and setting a hearing under section 366.26. (§ 366.26, subd. (1).) Because the section 366.26 hearing is set for December 18, 2003, our decision is final as to this court immediately. (Cal. Rules of Court, rule 24(b)(3).) Jones, P.J. We Concur: Stevens, J., Gemello, J. (Not for Publication.)

Friday, December 12, 2003

Division Two

**A098104 -- Michael Escamilla v. The Regents of the University of California.**

Because we find no prejudicial error in the contentions raised by Escamilla, it is unnecessary to consider the Regents' argument regarding the effect of Escamilla's failure to exhaust judicial remedies in his grievance proceeding with UCSF. The judgment is affirmed. Haerle, J. We Concur: Kline, P.J., Ruvolo, J. (Not for Publication.)

**A104247 -- In re K.O., CA.O and CO.O., Persons Coming Under the Juvenile Court Law. Cole O. v. Superior Court of Solano County; Solano County Health & Social Services Department, R.P.I.**

The petition for extraordinary writ is denied on the merits. Since the permanency planning hearing is presently set for January 8, 2004, our decision on the writ petition is final as to this court immediately. (Rule 24(b)(3).) Kline, P.J. We Concur: Haerle, J., Ruvolo, J. (Not for Publication.)

Monday, December 15, 2003

Division One

**A099614 -- The People v. Willie James Green.**

The judgment is affirmed. Margulies, J. We Concur: Marchiano, P.J., Swager, J. (Not for Publication.)

**A100942 -- The People v. Christian Williams.**

The judgment is affirmed. Stein, J. We Concur: Marchiano, P.J., Swager, J. (Not for Publication.)

Division Two

**A101652 -- Fisherman's Wharf Bay Cruise Corporation v. San Francisco Superior Court; Blue And Gold Fleet, Inc. etc., R.P.I.**

Let a peremptory writ of mandate issue directing the San Francisco Superior Court to vacate its January 22, 2003 order granting Blue & Gold summary adjudication on the second cause of action (secret discounts), the third cause of action (exclusive dealing) and the fourth cause of action (predatory pricing), and to enter a new order, in accordance with the views expressed in this opinion, denying Blue & Gold's motion for summary adjudication on these causes of action. The cause is remanded to the trial court for further proceedings consistent with this opinion. Ruvolo, J. We Concur: Kline, P.J., Lambden, J. (Certified for Publication.)

Monday, December 15, 2003 (continued)

**A101268 -- The People v. Richard Olivieri.**

The judgment and sentence is hereby modified to strike the additional restitution fines imposed upon revocation of probation under section 1202.4, subdivision (b). The judgment is further modified to impose a single restitution fine of \$400 under section 1202.4, subdivision (b) and a single \$400 restitution fine under section 1202.45, as to the consolidated proceedings. The trial court shall prepare new abstracts of judgment indicating that the total amount imposed in the consolidated proceedings is \$400 under each code section resulting from the imposition of \$200 for each individual felony count. In order to avoid future confusion, each abstract should also state that the total amount to be paid with reference to both action numbers is limited to \$400 under each of the above code sections as a result of the single proceeding. Such modified abstracts of judgment are to be prepared by the trial court and sent to the Department of Corrections. Lambden, J. We Concur: Haerle, Acting P.J., Ruvolo, J. (Not for Publication.)

Division Three

**A103196 -- In re Steven T., a Person Coming Under the Juvenile Court Law. The People v. Steven T.**

The commitment order is affirmed. Pollak, J. We Concur: McGuiness, P.J., Corrigan, J. (Not for Publication.)

**A100259 -- The People v. Charles Lee White.**

The judgment is affirmed. Pollak, J. We Concur: Corrigan, Acting P.J., Parrilli, J. (Not for Publication.)

Division Five

**A099004 -- Gary Arnold, Ruth Arnold, and Legion Insurance Co. v. Versa Products, Inc. And Home Depot U.S.A., Inc.**

The judgment is reversed. Gemello, J. We Concur: Jones, P.J., Simons, J. (Not for Publication.)

Monday, December 15, 2003 (continued)

**A102622 -- The People v. Brandon Lee Houghton.**

The judgment is affirmed. Stevens, J. We Concur: Jones, P.J., Gemello, J.  
(Not for Publication.)

**A098167 -- The People v. Christopher Lee Spurlock.**

The judgment is affirmed. Gemello, J. We Concur: Jones, P.J., Simons, J.  
(Not for Publication.)

Tuesday, December 16, 2003

Division Four

**A102182 -- Celina Duran et al. v. St. Lukes Hospital et al.**

The judgment is affirmed. Kay, P.J. We concur: Sepulveda, J., Rivera, J.  
(Certified for Publication.)

**A101199 -- Kevin B. Williams v. City and County of San Francisco  
Human Rights Commission et al.**

The judgment is affirmed. Sepulveda, J. We concur: Kay, P. J., Rivera, J.  
(Not for Publication.)

Division Five

**A099420 -- Judith Dressler et al. v. Honeywell International, Inc.**

The judgment is affirmed. Simons, J. We Concur: Stevens, Acting P.J.,  
Gemello, J. (Not for Publication.)

**A101206 -- Kenneth J. Schmier v. The Superior Court of California et  
al.**

The judgment is affirmed. Simons, J. We Concur: Jones, P.J., Stevens, J.  
(Not for Publication.)

Wednesday, December 17, 2003

Division One

**A102851 -- California For Justice Education Fund et al. v. California State Board of Education et al.**

Here, the defendants have commenced a rulemaking process aimed at superseding the already discredited May 2002 definition. Plaintiffs have received al relief sought by the petition. The appeal is dismissed as moot. Marchiano, P.J. We Concur: Stein, J., Swager, J. (Not for Publication.)

Division Two

**A099383 -- The People v. Charles Krah**

The judgment is affirmed. Haerle, J. We Concur: Kline, P.J., Ruvolo, J. (Certified for Partial Publication.)

**A102827 --The People v. Claude Rowe.**

The judgment is affirmed. Ruvolo, J. We Concur: Kline, P.J., Haerle, J. (Not for Publication.)

Division Three

**A102193 -- In re Adrian M., a Person Coming Under the Juvenile Court Law. The People v. Adrian M.**

The matter is remanded. The juvenile court is directed to prepare an amended commitment awarding Adrian 65 days of predisposition credit. In all other respects the order is affirmed. Corrigan, Acting P.J. We Concur: Parrilli, J., Pollak, J. (Not for Publication.)

**A100815 -- The People v. Curtis Lee Morris.**

The judgment is affirmed. Corrigan, Acting P.J. We Concur: Parrilli, J., Pollak, J. (Not for Publication.)

Wednesday, December 17, 2003 (continued)

Division Four

**A102067 -- The People v. Robert Earl Paul.**

Judgment affirmed. Reardon, J. We Concur: Kay, P.J., Sepulveda, J.  
(Not for Publication.)



Thursday, December 18, 2003

Division One

**A102012 -- In re Shawn C., a Person Coming Under the Juvenile Court Law. Sonoma County Human Services Department v. Tammy B.**

The orders appealed from are affirmed. Margulies, J. We Concur: Marchiano, P.J., Stein, J. (Not for Publication.)

**A102572 -- Westlake Development Company, Inc. v. Shaw, Inc.**

The judgment is affirmed. Margulies, J. I Concur: Stein, J. (See concurring opinion by Marchiano, P.J.) (Not for Publication.)

Division Two

**A100957 -- The People v. Derek Dempsey.**

The judgment is reversed. We remand and order that a new hearing on the motion to suppress be heard before the Honorable Elliot Lee Daum. Ruvolo, J. We Concur: Kline, P.J., Lambden, J. (Not for Publication.)

**A100743 -- Estate of Robert L. Scherer, Deceased.**

The judgment is affirmed. Haerle, J. We Concur: Kline, P.J., Ruvolo, J. (Not for Publication.)

MINUTES

CALIFORNIA COURT OF APPEAL  
FIRST APPELLATE DISTRICT  
DIVISION TWO

Thursday, December 18, 2003

The Court met at 9:30 a.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California. Present: Kline, P.J., Haerle, J., Ruvolo, J. and S. Graham, Deputy Clerk.

At this point in the proceedings, Presiding Justice Kline announced that the panel for the first two cases on calendar would be himself as well as Justices Haerle and Ruvolo and the panel for the remaining case would be Justices Haerle, Lambden and Ruvolo.

- A100219     The People  
              v.  
              Llewellyn Phelan  
Cause called and argued by Thea Greenhalgh, counsel for appellant and Ann Wathen, Deputy Attorney General, counsel for respondent. Cause ordered submitted.
- A099413     In re Estate of Jerome J. Garcia, Deceased.  
              Douglas Irwin  
              v.  
              Grateful Dead Productions, Inc.  
Cause called and argued by William A. Romaine, counsel for appellant and John Kirke and Brett Schuman, counsel for respondents. Cause ordered submitted.
- A101211     Shawna McGrew  
              v.  
              City and County of San Francisco  
Cause called and argued by Vincent J. Courtney, counsel for appellant and Anthony Grumbach, counsel for respondent. Cause ordered submitted.

Court recessed until 1:30 p.m.

Court reconvened at 1:30 p.m. Present: Kline, P. J., Lambden, J., Ruvolo,

J. and S. Graham, Deputy Clerk.

- A097011 The People,  
A101881 v.  
A101927 Demetrius Conwell and Mario Washington  
In re Conwell, on Habeas Corpus  
In re Washington, on Habeas Corpus  
Causes called and argued by A. J. Kutchins, counsel for appellant Conwell,  
Cheryl Delaine Renard, counsel for appellant Washington and Aileen  
Bunney, Deputy Attorney General, counsel for respondent. Causes ordered  
submitted.
- A099850 The People  
v.  
Rene Leonidas Aguilar  
Cause called and argued by Jill Fordyce, counsel for appellant and Morris  
Lenk, Deputy Attorney General, counsel for respondent. Cause ordered  
submitted.
- A101378 The People  
v.  
Robert G., a Minor  
Cause called and argued by David Martin, counsel for appellant and  
Michael Banister, Deputy Attorney General, counsel for respondent. Cause  
ordered submitted.
- A101762 Luis Walters Camacho, et al.  
v.  
Robert Mellett  
Cause called and argued by James Kraus, counsel for appellant and John  
Riccio, counsel for respondents. Cause ordered submitted.
- A103023 In re Marriage of Jayne  
William Jayne  
v.  
Joan Jayne  
Cause called and argued by Vivian Kral, counsel for appellant and Bernard  
Wolf, counsel for respondent. Cause ordered submitted.
- A093387 The People

v.

Henry Maxie Wheeler

Cause called and argued (telephonically) by Walter K. Pyle, counsel for appellant and David Baskind, Deputy Attorney General, counsel for respondent. Cause ordered submitted.

Court recessed until Friday, December 19, 2003 at 9:30 a.m.

Thursday, December 18, 2003 (continued)

Division Three

**A102391 -- The People v. Carlos Corzo.**

The judgment is reversed, and the matter is remanded for further proceedings consistent with *Stogner v. California, supra*, 123 S.Ct.2446. Parrilli, J. We Concur: McGuiness, P.J., Corrigan, J. (Not for Publication.)

**A095527 -- The People v. Keelon Jenkins, et al.**

By the Court: The petition for rehearing is denied. McGuiness, P.J.

Division Four

**A102847 -- In re Pierre R., a Person Coming Under the Juvenile Court Law. The People v. Pierre R.**

Counsel for appellant has asked us to review the record independently pursuant to *People v. Wende* (1979) 25 Cal.3d 436. We have done so. There was substantial evidence to support the sustaining of the petition and the judgment of wardship. The conditions of probation were reasonable. No issues require further briefing. Judgment is affirmed. Kay, P.J. We Concur: Reardon, J., Sepulveda, J. (Not for Publication.)

Division Five

**A100924 -- Rach B. Ghosh v. Shirley Dean, as Mayor, etc., et al.**

The judgment denying the petition for a writ of mandate is affirmed. Jones, P.J. We Concur: Simons, J., Gemello, J. (Not for Publication.)

Friday, December 19, 2003

Division One

**A103291 -- The People v. Douglas Wendell White.**

The judgment is affirmed. Margulies, J. We Concur: Marchiano, P.J.,  
Swager, J. (Not for Publication.)

Division Two

**A101256 -- William Earls v. Michael McPherson, et al.**

By the Court: The petition for rehearing is denied. Kline, P.J.

**A100365 -- The People v. James Smith, Jr.**

By the Court: The petition for rehearing is denied. Kline, P.J.

MINUTES

CALIFORNIA COURT OF APPEAL  
FIRST APPELLATE DISTRICT  
DIVISION TWO

Friday, December 19, 2003

The Court met at 9:30 a.m. in its courtroom at 350 McAllister Street, 4th Floor, San Francisco. Present: Kline, P.J., Haerle, J., Lambden, J. and I. Santos, Deputy Clerk.

- A101347     The People,  
                 v.  
                 Felipe Jesus Holian.  
Cause called and argued by Richard Such, counsel for appellant, and Allan Yannow, Deputy Attorney General, counsel for respondent. Cause ordered submitted.
- A101155     The People,  
                 v.  
                 Demetrius Hardy.  
Cause called and argued by David Kelvin, counsel for appellant, and Catherine McBrien, Deputy Attorney General, counsel for respondent. Cause ordered submitted.
- A100709     In re the Estate of Hodge Leon Wilson, Deceased.  
                 Patricia L. Wilson,  
                 v.  
                 Clinton Wilson et al.  
Cause called and argued by Eugene Schneider, counsel for appellant, and Shelley S. Buchanan, counsel for respondent. Cause ordered submitted.
- A100705     Ala Singh et al.,  
                 v.  
                 Gurdial Singh et al.  
Cause called and argued by Stephen Kaus, counsel for appellant, and Walter Whelan, counsel for respondent. Cause order submitted.  
**COURT ADJOURNED.**





Friday, December 19, 2003 (continued)

Division Three

**A103000 -- The People v. Barnett Raymond Alston, Jr.**

The judgment is affirmed. Corrigan, Acting P.J. We Concur: Parrilli, J., Pollak, J. (Not for Publication.)

**A103249 -- The People v. Marvin Masters.**

The order revoking appellant's probation and the sentence imposed are affirmed. McGuinness, P.J. We Concur: Corrigan, J., Parrilli, J. (Not for Publication.)

**A100627 -- Jim L. Woodson v. Legacy Partners 2323 L.P., et al.**

By the Court: The petition for rehearing is denied. McGuinness, P.J.

Division Four

**A099767 -- Joyce Kisiel, et al. v. Mill Valley Insurance Services, Inc., et al.**

We affirm the judgment entered in favor of Mill Valley. We reverse the judgment entered in favor of Clarendon to the extent it granted summary adjudication on the cause of action for breach of contract. We affirm the summary adjudication in favor of Clarendon on all other causes of action. The matter is remanded for further proceedings consistent with this opinion. Rivera, J. We Concur: Kay, P.J., Reardon, J. (Not for Publication.)

**A102436 -- In re Markel L., a Person Coming Under the Juvenile Court Law. The People v. Markel L.**

The orders declaring that the minor be continued as a ward of the court and be committed to the Youth Authority are affirmed. Sepulveda, J. We Concur: Kay, P.J., Rivera, J. (Not for Publication.)

Friday, December 19, 2003 (continued)

**A099799 -- Protect our Water Resources et al. v. County of Sonoma et al., Shamrock Materials, Inc. et al., R.P.I.**

We affirm the trial court's decision denying appellants' petition for a writ of mandate. Sepulveda, J. We Concur: Reardon, Acting P.J., Rivera, J. (Not for Publication.)

**A102767 -- The People v. Theodore Stith.**

The judgment is affirmed, except that appellant's sentence is vacated, the true findings as to the allegations that appellant's 1992 prior conviction for grossly negligent discharge of a firearm (§ 246.3) is a serious felony (§ 667) and strike (§ 1170.12) is reversed, and the matter is remanded for a retrial as to those allegations, resentencing, and for further proceedings not inconsistent with this opinion. Sepulveda, J. We Concur: Kay, P.J., Reardon, J. (Not for Publication.)

**A099954 -- The People v. Ernest Lee Vaden.**

The judgment is affirmed. Reardon, Acting P.J. We Concur: Sepulveda, J., Rivera, J. (Not for Publication.)

Division Five

**A099476 -- The People v. Florence Laurel Anderson.**

The judgment is affirmed. Stevens, J. We Concur: Jones, P.J., Gemello, J. (Not for Publication.)

**A101806 -- The People v. Mathew T. Hawk.**

The judgment is affirmed. Simons, J. We Concur: Jones, P.J., Stevens, J. (Not for Publication.)

**A101044 -- Michael Mariarty et al. v. State of California Business Transportation and Housing Agency et al.; Norman Phillips, R.P.I.**

The order is affirmed. Stevens, Acting P.J. We Concur: Simons, J., Gemello, J. (Not for Publication.)

Friday, December 19, 2003 (continued)

**A102610 -- The People v. Timothy S. Palmer.**

The judgment is affirmed. Stevens, Acting P.J. We Concur: Simons, J., Gemello, J. (Not for Publication.)

**A103307 -- In re Onzelo S., a Person Coming Under the Juvenile Court Law. The People v. Onzelo S.**

The orders adjudicating appellant a ward of the court and committing him to CYA are affirmed. Gemello, J. We Concur: Jones, P.J., Stevens, J. (Not for Publication.)

**A101522 -- The People v. William A. White.**

The judgment is affirmed. Jones, P.J. We Concur: Stevens, J., Simons, J. (Not for Publication.)

Monday, December 22, 2003

Division One

**A101259 -- Margaret Davis-Hopper v. Sutter Lakeside Hospital et al.**

The order dismissing the complaint is reversed. Costs are awarded to appellant. Swager, J. We Concur: Marchiano, P.J., Margulies, J. (Not for Publication.)

**A102195 -- In re James M., a Person Coming Under the Juvenile Court Law. The People v. James M.**

The jurisdictional and dispositional orders of the juvenile court, including the motion to suppress, are affirmed. Marchiano, P.J. We Concur: Stein, J., Margulies, J. (Not for Publication.)

**A100673 -- The People v. Hector Martinez.**

The judgment is affirmed. Stein, J. We Concur: Marchiano, P.J., Margulies, J. (Not for Publication.)

**A099124 -- The People v. Scott Patterson.**

Accordingly, the judgment is affirmed. Swager, J. We Concur: Marchiano, P.J., Stein, J. (Not for Publication.)

Monday, December 22, 2003 (continued)

Division Three

**A097435 -- John Garamendi, as Insurance Commissioner, etc. v.  
Golden Eagle Insurance Company; Scott Cade et al.**

The Petition for Rehearing filed by Golden Eagle Insurance Corporation is  
GRANTED. McGuiness, P.J.

COURT OF APPEAL  
STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT  
DIVISION THREE

Monday, December 22, 2003

Court convened at 9:00 a.m. in its Courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California.

Present: McGuiness P.J., Corrigan J., Parrilli J., and I. Calanoc, Deputy Clerk.

A101269 The People,  
v.  
Meredith Lorene Morton et al.,  
Cause called and argued by Richard Ingram, counsel for appellants, and Lisa Ashley Ott, counsel for respondent. Cause ordered submitted.

A099205 Saipele Faiaipau,  
v.  
San Francisco City Dry Dock Incorporated, et al.  
Cause called and argued by Kelly Armstrong, counsel for appellant, and Jason Curliano, counsel for respondents. Permission for leave to file citation(s) in record for matter discussed in oral argument granted to appellant, due by Friday, December 26, 2003. Cause ordered submitted.

A097873 The People,  
v.  
Victor Manuel Renderos.  
Cause called and argued by Robert Beles, counsel for appellant, and Gregg Zwicke, counsel for respondent. Cause ordered submitted.

COURT ADJOURNED

Monday, December 22, 2003 (continued)

Division Five

**A102066 -- In re Justin C. et al., Persons Coming Under the Juvenile Court Law. Contra Costa County Bureau of Children and Family Services v. Michael C.**

The order is affirmed. Simons, J. We Concur: Jones, P.J., Stevens, J.  
(Not for Publication.)

**A103708 -- The People v. Emiliano Zapata Loyola.**

The judgment is affirmed. Simons, J. We Concur: Jones, P.J., Gemello, J.  
(Not for Publication.)

**A100075, A100279 -- Mateel Environmental Justice Foundation v. Edmund A. Gray Co., et al.**

The judgment for defendants is reversed. The case is remanded for further proceedings consistent with this opinion. Mateel shall recover its costs on appeal. Gemello, J. We Concur: Stevens, Acting P.J., Simons, J. (Not for Publication.)

**A097482 -- In re Providian Credit Card Cases.**

The trial court order is affirmed. Gemello, J. We Concur: Stevens, Acting P.J., Simons, J. (Not for Publication.)

Tuesday, December 23, 2003

Division One

**A099160 -- The People v. Gregory Patrick Beck.**

The judgment is affirmed. Margulies, J. We Concur: Marchiano, P.J., Swager, J. (Not for Publication.)

**A103234 -- The People v. Frank Estrada.**

The order is affirmed. Margulies, J. We Concur: Stein, Acting P.J., Swager, J. (Not for Publication.)

Division Two

**A097894 -- The People v. Dionka Patrice Cook.**

The judgment is affirmed. Haerle, J. We Concur: Kline, P.J., Lambden, J. (Not for Publication.)

**A103023 -- In re the Marriage of Joan Jayne and William Jayne.**

The parts of the orders of April 23, 2003 and June 6, 2003 concerning the distribution of the parties' property is reversed; in all other respects the orders are affirmed. The cause is remanded to the trial court to determine the parties' property rights. Bill is awarded costs. Lambden, J. We Concur: Kline, P.J., Ruvolo, J. (Not for Publication.)



Tuesday, December 23, 2003 (continued)

Division Three

**A100960 -- In re Stephanie J., a Person Coming Under the Juvenile Court Law. The People v. Stephanie J.**

The dispositional order of November 22, 2002, is affirmed. McGuiness, P.J. We Concur: Corrigan, J., Parrilli, J. (Not for Publication.)

**A102569 -- The People v. Oscar Maurice Pearson.**

There was no sentencing error. There are no issues that require further briefing. The judgment is affirmed. Pollak, J. We Concur: McGuiness, P.J., Corrigan, J. (Not for Publication.)

**A102373 -- In re Ricky R., Jr., a Person Coming Under the Juvenile Court Law. Social Services Agency v. Ricky R.**

The jurisdictional and dispositional orders are affirmed. Corrigan, Acting P.J. We Concur: Parrilli, J., Pollak, J. (Not for Publication.)

**A097912 -- John Snavely v. Gary Smith.**

The judgment is affirmed. Corrigan, J. We Concur: McGuiness, P.J., Parrilli, J. (Not for Publication.)

**A099813 -- The People v. Roy Westry.**

The judgment is affirmed. McGuiness, P.J. We Concur: Corrigan, J., Pollak, J. (Not for Publication.)

MINUTES  
CALIFORNIA COURT OF APPEAL  
FIRST APPELLATE DISTRICT  
DIVISION FOUR  
Tuesday, December 23, 2003

The Court convened at 9:30 a.m. in its courtroom at 350 McAllister Street, 4th Floor, San Francisco, California. Present: Kay, P.J., Reardon, J. and Sepulveda, J.; Pamela Aguilar, Deputy Clerk; CHP Officer Aron Ching, Bailiff.

A098608 F. Alioto and Company  
A099537 v.  
City and County of San Francisco  
Causes called. Donald Margolis argued for appellant/cross-respondent CCSF. Angela Alioto argued for respondent/cross-appellant. Causes submitted.

A101229 People  
v.  
Roger Todd Murrington  
Cause called. Violet Elizabeth Grayson argued for appellant Murrington. Deputy Attorney General Ronald Niver argued for respondent. Cause submitted.

A100995 Enrique Rodriguez et al.  
A101004 v.  
Honeywell International, Inc.  
Causes called. Katherine Wang argued for appellants Rodriguez et al. Alan Lazarus argued for respondent. Causes submitted.

At this point, the Court reconstituted itself to include Kay, P.J., Reardon, J., and Rivera, J.

A098872 People  
v.  
Roy Lopez Garcia.  
Cause called. Dennis P. Riordan argued for appellant Garcia. Deputy Attorney General John Deist argued for respondent. Cause submitted.

The court adjourned at 11:48 a.m.

Tuesday, December 23, 2003 (continued)

Division Five

**A100853 -- Zaldy S. J. Anselmo et al. v. California Financial Group et al.**

The appeal is ordered dismissed. As sanctions for filing a frivolous appeal and violating the California Rules of Court, appellant's counsel, Nathan Paco, shall pay \$5,050 to respondents. Sanctions must be paid no later than 15 days after the date the remittitur is filed. Attorney Nathan Paco and the clerk of this court are each ordered to forward a copy of this opinion to the California State Bar upon issuance of the remittitur. Respondents are entitled to costs on appeal. Simons, J. We Concur: Jones, P.J., Gemello, J. (Not for Publication.)

**A103515 -- In re Akeem E., a Person Coming Under the Juvenile Court Law. The People v. Akeem E.**

By the Court: Notice of appeal was filed on July 31, 2003, although no dispositional order had yet been rendered. By our order of August 29, 2003, appellate briefing in this matter was suspended pending the dispositional hearing, then scheduled for November 5, 2003. We have been advised that the dispositional hearing has been successively continued and is now not to be held until March 2004 and that a final disposition may not be ordered at all depending on the minor's progress during his residency in Iowa. In light of these circumstances and upon recommendation of the First District Appellate Project, the appeal is hereby ordered dismissed. The dismissal is without prejudice to the filing of a timely notice of appeal after the dispositional order is entered. To avoid duplication of the record, upon the filing of a new notice of appeal, the court will entertain a request to incorporate the record in the present appeal. Jones, P.J.

**A101009 -- The People v. Kevin Richard Foss.**

The judgment is affirmed. Simons, J. We Concur: Stevens, Acting P.J., Gemello, J. (Not for Publication.)

**A097330 -- The People v. Samih Hussein Zabadi.**

The judgment is affirmed. Simons, J. We Concur: Jones, P.J., Stevens, J. (Not for Publication.)

Wednesday, December 24, 2003

Division One

**A101035 -- The People v. Efrain Gonzalez.**

The evidence revealed that appellant was in the Lancaster Circle apartment, and not just inadvertently or momentarily, when heroin, methamphetamine, cash and paraphernalia used for drug sales were seized. He personally possessed methamphetamine while in the apartment. Soon after the search began a friend arrived at the scene with additional contraband for sale. A load car parked outside and equipped with a hidden compartment had been registered to his brother Ruben. Appellant had been previously seen in the same car with his brother, and was otherwise associated with the drug trafficking venture. Additional evidence connected appellant and his friends with another load car and the Industrial Road site where additional drugs and related equipment for sale of contraband were found. Although circumstantial, the evidence that appellant was involved as an aider and abettor in the possession for sale and transportation of narcotics was substantial. (*People v. Santana* (2000) 80 Cal.App.4th 1194, 1199-1200; *People v. Cattaneo, supra*, 217 Cal.App.3d 1577, 1584.) Accordingly, the judgment is affirmed. Swager, J. We Concur: Marchiano, P.J., Stein, J. (Not for Publication.)

**A102324 -- In re Ebony N., a Person Coming Under the Juvenile Court Law. The People v. Ebony N.**

The Court: Order Modifying Opinion and Denying Rehearing: It is ordered that the opinion filed herein on November 25, 2003, be modified as follows: (See order.) There is no change in the judgment. Defendant's petition for rehearing is denied. Stein, Acting P.J. (Not for Publication.)

**A101232 -- Nationwide Mutual Insurance Company v. Liliana Castillo et al.**

The judgment is affirmed. Marchiano, P.J. We Concur: Stein, J., Swager, J. (Not for Publication.)

Wednesday, December 24, 2003 (continued)

Division Three

**A098028 -- The People v. Peter Quincy Rogers.**

By the Court: Order Modifying Opinion and Denying Rehearing. It is ordered that the opinion filed herein on November 25, 2003, be modified as follows: (See order.) The petition for rehearing is denied. There is no change in the judgment. (Not for Publication.) McGuiness, P.J.

Friday, December 26, 2003

Division One

**A102542 -- Kendra Sandoval v. Luis Arturo Martinez; The Fish Market Restaurant, R.P.I.**

By the Court: Appellant's motion to convert current appellate proceedings to petition for certiorari or writ of mandamus is denied. Respondent's motion to dismiss the appeal is granted and the above-referenced appeal is dismissed. Marchiano, P.J.

Division Two

**A103200 -- In re Miles M., a Person Coming Under the Juvenile Court Law. Social Services Agency v. Callie M., et al.**

By the Court: Appellant having failed to file a brief after notice given under rule 17(a)(1) of the California Rules of Court, the appeal is dismissed. Kline, P.J.

Division Five

**A099996 -- The People v. Joe Manual Perez.**

The judgment is affirmed. Jones, P.J. We Concur: Stevens, J., Gemello, J. (Not for Publication.)

Monday, December 29, 2003

Division One

**A104048 -- Robert Michael Sherman v. Town of San Anselmo, et al.**

By the Court: The motion to dismiss the appeal, filed December 15, 2003, is granted and the appeal is dismissed. The mandate proceeding will be reviewed in the ultimate appeal from the final judgment. Marchiano, P.J.

Division Two

**A101155 -- The People v. Demetrius Hardy.**

The judgment is affirmed. Lambden, J. We Concur: Kline, P.J., Haerle, J. (Not for Publication.)

Division Three

**A103378 -- In re Demaurier B., a Person Coming Under the Juvenile Court Law. The People v. Demaurier B.**

The judgment and disposition are affirmed. McGuiness, P.J. We Concur: Corrigan, J., Parrilli, J. (Not for Publication.)

Division Four

**A102677 -- In re Cierra H., a Person Coming Under the Juvenile Court Law. San Francisco County Department of Human Services v. Jasper H.**

The order is affirmed. Sepulveda, J. We Concur: Reardon, Acting P.J., Rivera, J. (Not for Publication.)

Monday, December 29, 2003 (continued)

**A100995 -- Enrique Rodriguez et al. v. Honeywell International, Inc.**

**A101004 -- Roger E. Ray et al. v. Honeywell International, Inc.**

The orders taxing costs are reversed in part as follows: The proportional reduction of the filing and motion fees is reversed; the proportional reduction of the deposition fees is reversed. In all other respects, the orders taxing costs are affirmed. The trial court is directed to enter a new order in each case awarding plaintiffs their claimed costs for filing and motion fees and deposition fees and taxing the service of process costs that are in excess of those actually incurred in serving Honeywell or its predecessor-in-interest. Plaintiffs shall receive their costs on appeal. Sepulveda, J. We Concur: Kay, P.J., Reardon, J. (Not for Publication.)

**A102332 -- The People v. Kevin Willey.**

The judgment of conviction is modified by striking the \$3,000 fine imposed on April 4, 2003, pursuant to Penal Code section 1202.4, and reinstating the \$200 fine imposed on September 15, 2000. As so modified, the judgment is affirmed. The clerk of the trial court is directed to prepare an amended abstract of judgment and to forward a certified copy to the Department of Corrections. Kay, P.J. We Concur: Sepulveda, J., Rivera, J. (Not for Publication.)



Tuesday, December 30, 2003

Division One

**A102849 -- In re Yanmarrie C., a Person Coming Under the Juvenile Court Law. Contra Costa County Social Service Department v. Helen G.**

The order denying the petition for modification is affirmed. Stein, J. We Concur: Marchiano, P.J., Swager, J. (Not for Publication.)

**A103715 -- The People v. Blanca Elena Yi.**

The order revoking appellant's probation and the sentence imposed are affirmed. Marchiano, P.J. We Concur: Swager, J., Margulies, J. (Not for Publication.)

Division Three

**A102294 -- The People v. Adrian Wayne Bates.**

The judgment and sentence are affirmed. McGuiness, P.J. We Concur: Corrigan, J., Parrilli, J. (Not for Publication.)

**A102331 -- The People v. Jerome B. Blount.**

The judgment and sentence imposed are affirmed. McGuiness, P.J. We Concur: Corrigan, J., Parrilli, J. (Not for Publication.)

**A099205 -- Saipale Faiaipau v. San Francisco Drydock, Inc.**

The judgment is affirmed. Appellant shall pay respondent's costs on this appeal. McGuiness, P.J. We Concur: Corrigan, J., Parrilli, J. (Not for Publication.)

**A102465 -- In re Justin M., a Person Coming Under the Juvenile Court Law. The People v. Justin M.**

The orders sustaining the allegation that appellant possessed marijuana for sale (Health & Saf. Code, § 11359) and declaring him a ward of the court (§ 602) on probation in the parental home are affirmed. Corrigan, J. We Concur: McGuiness, P.J., Parrilli, J. (Not for Publication.)

Tuesday, December 30, 2003 (continued)

**A097873 -- The People v. Victor Manuel Renderos.**

**A103588 -- In re Victor Manuel Renderos, on Habeas Corpus.**

The motion for summary reversal is denied, the judgment is affirmed, and the petition for a writ of habeas corpus is summarily denied. Parrilli, J. We Concur: McGuiness, P.J., Corrigan, J. (Certified for Partial Publication.)

**A102208 -- The People v. Donald Keith Wilson.**

The judgment is affirmed. Pollak, J. We Concur: McGuiness, P.J., Parrilli, J. (Certified for Publication.)

Division Four

**A101229 -- The People v. Roger Todd Murrington.**

The judgment is affirmed. Kay, P.J. We Concur: Reardon, J., Sepulveda, J. (Not for Publication.)

Division Five

**A102826 -- The People v. Stephen Scally.**

The judgment is affirmed. The Clerk of the Solano County Superior Court is ordered to issue an new abstract of judgment consistent with this opinion. Jones, P.J. We Concur: Stevens, J., Gemello, J. (Not for Publication.)

Wednesday, December 31, 2003

Division One

**A099623 -- The People v. Barry Creath Whitley.**

The order adjudging defendant a sexually violent offender and extending his commitment to the Department of Mental Health for treatment and confinement is affirmed. Margulies, J. We Concur: Stein, Acting P.J., Swager, J. (Not for Publication.)

Division Two

**A100761 -- In re Hizam S., a Person Coming Under the Juvenile Court Law. The People v. Hizam S.**

The judgment is affirmed. Ruvolo, J. We Concur: Kline, P.J., Lambden, J. (Not for Publication.)

Division Three

**A099287 -- The People v. Paul Rene Macchia.**

The judgment is affirmed. Corrigan, J. We Concur: McGuinness, P.J., Pollak, J. (Not for Publication.)

**A101269 -- The People v. Meredith Morton and Robert Morton.**

The judgment is reversed. Corrigan, J. We Concur: McGuinness, P.J., Parrilli, J. (Not for Publication.)

**A101058 -- In re Ryan W., a Person Coming Under the Juvenile Court Law. The People v. Ryan W.**

We reverse the court's finding as to count one. The order of the juvenile court is otherwise affirmed. Corrigan, J. We Concur: McGuinness, P.J., Parrilli, J. (Not for Publication.)

Wednesday, December 31, 2003 (continued)

Division Four

**A100941 -- The People v. Donald G. Maus.**

The judgment is affirmed. Rivera, J. We Concur: Kay, P.J., Reardon, J.  
(Not for Publication.)

Division Five

**A102631 -- In re Adrian H., a Person Coming Under the Juvenile  
Court Law. Contra Costa County Children and Family Services v. Lydell H.**

The dispositional order is affirmed. Jones, P.J. We Concur: Simons, J.,  
Gemello, J. (Not for Publication.)